



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

MAR 16 2016

CERTIFIED MAIL 70091680 0000 7677 9548
RETURN RECEIPT REQUESTED

Mr. Mark Tomasik
Vice President of Quality Assurance and Environmental Health and Safety
March Coatings, Incorporated
160 Summit Street
Brighton, Michigan 48116

Re: Notice of Violation
Compliance Evaluation Inspection
MID 982 604 001

Dear Mr. Tomasik:

On January 26, 2016 a representative of the U.S. Environmental Protection Agency inspected the March Coatings, Incorporated (March Coatings) facility located in Brighton, Michigan. As a small quantity generator of hazardous waste, March Coatings is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate March Coatings' compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by March Coatings, EPA's review of records pertaining to March Coatings, and the inspector's observations, EPA has determined that March Coatings had unlawfully stored hazardous waste without a license or interim status as a result of March Coatings' failure to comply with a certain condition for a license exemption under Mich. Admin. Code r. 299.9306(4) [40 C.F.R. § 262.34(d)]. EPA has identified the license exemption conditions with which March Coatings was out of compliance at the time of the inspection in paragraph 1, below.

STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS

At the time of the inspection, March Coatings was out of compliance with the following small quantity generator license exemption conditions:

1. Emergency Coordinator Required Phone Posting

Under Mich. Admin. Code r. 299.9306(4)(g) [40 C.F.R. § 262.34(d)(5)(I)], a small quantity generator must post next to the telephone, the name and telephone number of the emergency coordinator; the location of fire extinguishers and spill control material and, if present, fire alarm; and the telephone number of the fire department, unless the facility has a direct alarm.

At the time of the inspection, March Coatings had not posted the required information next to a plant telephone. On January 28, 2016, March Coatings sent an e-mail to EPA with an updated Plant Layout which included the Emergency Coordinator contact information. EPA considers this violation resolved.

Summary: By failing to comply with the conditions for a license exemption, above, March Coatings became an operator of a hazardous waste storage facility, and was required to obtain a Michigan hazardous waste storage license. March Coatings failed to apply for such a license. March Coatings' failure to apply for and obtain a hazardous waste storage license violated the requirements of Mich. Admin. Code r. 299.9502(1), 299.9508 and 299.9510 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

OTHER VIOLATIONS

March Coatings violated the following generator requirements:

2. Universal Waste Requirement

Under Mich. Admin. Code r. 299.9228(4)(c)(ii) [40 C.F.R. § 273.13(d)], a small quantity handler of universal waste must be managed in a manner that prevents breakage or the release of any universal waste or components of universal waste by containing unbroken lamps in structurally sound packaging that is compatible with the contents of the lamps and will prevent breakage during normal handling conditions. The packaging must remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. Under Mich. Admin. Code r. 299.9228(4)(c)(iv) [40 C.F.R. § 273.14(e)], a small quantity handler of universal waste must label with the words "Universal Waste Electric Lamps," "Waste Electric Lamps," or "Used Electric Lamps." Under Mich. Admin. Code r. 299.9228(4)(a) [40 C.F.R. § 273.15(a)], a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (b) of this rule are met.

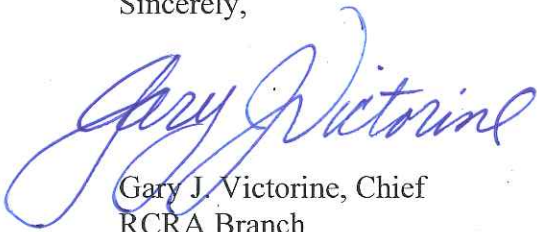
March Coatings is a small quantity handler of universal waste because it does not accumulate 5,000 kilograms or more of universal waste at any time. At the time of the inspection, March Coatings had accumulated two boxes of used fluorescent lamps in the Maintenance Shop, see photograph number 1. The boxes were not labeled "Universal Waste Electric Lamps," "Waste Electric Lamps," or "Used Electric Lamps," and one of the boxes was open. In addition, according to March Coating personnel, the last out-bound shipment of used electric lamps was in 2012.

At this time, EPA is not requiring March Coatings to apply for a Michigan hazardous waste storage permit because it established compliance with the conditions for a permit exemption outlined in paragraphs 1, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the universal waste requirements. You should submit your response to Walt Francis, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Mr. Walt Francis, of my staff, at 312-353-4921 or at francis.walt@epa.gov.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosures

cc: Larry Bean, MDEQ (beanl@michigan.gov)
John Craig, MDEQ (craigj@michigan.gov)
Lonnie Lee, MDEQ (leel@michigan.gov)

